

Exhibit 8

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

- - - - - x
Coalition for TJ, :
Plaintiff, :
v. : Case No.
Fairfax County School : 1:21-cv-0026-CMH-JFA
Board, :
Defendant. :

- - - - - x

Deposition of DR. SCOTT BRABRAND
Tyson's Corner, Virginia
Monday, October 11, 2021
9:03 a.m.

Job No.: 405349
Pages: 1 - 151
Reported By: Adam Schuman

Transcript of Dr. Scott Brabrand
Conducted on October 11, 2021

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1 Deposition of DR. SCOTT BRABRAND, held at the
2 offices of:

3
4
5 Hunton Andrews Kurth, LLP
6 8405 Greensboro Drive
7 Suite 140
8 Tysons Corner, VA 22102
9 703.714.7400
10
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12
13

14 Pursuant to notice, before Adam Schuman, Notary
15 Public in and for the Commonwealth of Virginia.
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1 A P P E A R A N C E S

2 ON BEHALF OF PLAINTIFFS:

3 ERIN E. WILCOX, ESQUIRE

4 CHRISTOPHER M. KIESER, ESQUIRE

5 PACIFIC LEGAL FOUNDATION

6 930 G Street

7 Sacramento, California 95814

8 916.419.7111

9

10 ON BEHALF OF DEFENDANT:

11 SONA REWARI, ESQUIRE

12 HUNTON ANDREWS KURTH LLP

13 2200 Pennsylvania Avenue, NW

14 Washington, DC 20037

15 202.955.1974

16

17

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19

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C O N T E N T S

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EXAMINATION OF DR. SCOTT BRABRAND

PAGE

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By Ms. Wilcox

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E X H I B I T S

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(Attached to transcript.)

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1 racial composition of TJ's admitted classes over the
2 past 10 years?

3 A No, not off the top of my head, no.

4 Q Fair. I am going to show you an exhibit
5 here --

6 Ms. Wilcox: And let's go ahead and mark
7 this. Do we want to do 1s or As?

8 Reporter: Let's do 1. Last name and the
9 number.

10 Ms. Wilcox: Yes.

11 (BRABRAND Deposition Exhibit 1 marked for
12 identification and attached to the deposition.)

13 A Just a second. This marking thing, this is
14 for you guys keeping track?

15 Q Yes, this is how we refer to it later.

16 A So it's not a document I produced. You're
17 showing me a document that has been produced?

18 Q Yes, this has been produced and that copy is
19 for you.

20 Mr. Kiser: These are documents that have
21 been produced by the Board on discovery.

22 Q I'm going to ask you about that. That's why

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1 A Uh-huh. "One perspective I do have is
2 whatever the Board decides to do or not to do in
3 September will ultimately influence what the
4 Governor and the Secretary of Education decide in
5 January."

6 Q And can you tell me what you meant by that
7 statement?

8 A Sure. My perspective of the discussions
9 that the General Assembly were having reflected in
10 that budget report submission and the fact that the
11 Secretary of Education did convene over the summer,
12 that same summer, a -- I don't know the convening --
13 he convened a group of a committee of different
14 representatives. I did believe that whatever the
15 School Board was going to do in September and what
16 we would share in our report would have impact on
17 any additional action that the General Assembly or
18 Governor would have in either the budget or the
19 General Assembly policy recommendations. I mean,
20 what I just explained is what I was trying to
21 actually say in there. It was a perspective. I
22 wasn't sure. I didn't have actual knowledge, but

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1 I -- part of my job is to try to understand
2 different dynamics that are going on in our
3 community or the local-level dynamics and
4 State-level dynamics, and I definitely perceived
5 that there was State-level dynamics, one, reflected
6 by the October 1 report, and, two, by the Secretary
7 of Education's task force that simple status quo, a
8 report with just, we're just doing the same thing
9 we've always done was not going to be received well.

10 Q Okay. So when you say whatever the Board
11 decides to do or not do in December --

12 A September.

13 Q September. I'm sorry.

14 A We decided in December -- the Board decided
15 in December what they would finally do, so this is a
16 month before the September work session. This is
17 about the Board member asking, well, is a proposal
18 coming, and what's going to -- I don't know if her
19 question is even on here, but is something coming to
20 the Board. Oh, here it is: Since the Board has
21 asked for this work session, this is best answered
22 by the Board. But the Board wanted a work session,

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1 the authority to the side school operations and not
2 have it dictated or decided at a high level if it
3 can be done at the Board level.

4 Q Makes sense. Okay. And you actually
5 referenced the group that was convened in the
6 summer, which is what I wanted to ask you about that
7 next, so thanks for that segue. Did you participate
8 in the Virginia Department of Education's Diversity,
9 Equity and Inclusion Working Group during the summer
10 of 2020?

11 A I was in many of the meetings. I'm not
12 going to say I was in all of them, but I was in many
13 of them. I know I was in many of them. I don't
14 know if I was in all of them.

15 Q What did you do as part of that group?

16 A Mostly listened. There were panelists.
17 There was some discussion among group members, but I
18 mostly listened. There were panelists. There were
19 also presentations. There were panelists, and then
20 there was some group discussion that was facilitated
21 by the Secretary of Ed, but I was invited, and I
22 hoped that would help me better understand the

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1 context for the October 1 report submission.

2 Q Who invited you to participate in that
3 group?

4 A The Secretary of Education.

5 Q And who else from Fairfax County Public
6 Schools participated?

7 A I believe, to the best of my recollection,
8 the Chief Operating Officer Marty Smith. I think
9 all the Governor schools admissions directors were
10 invited, not just Fairfax, but all of them, so that
11 would be inclusive of ours. One of our Board
12 members was invited. One of our TJ students was
13 invited. Give me one minute.

14 Q Yeah.

15 A I think that was it from Fairfax County. It
16 was a pretty big group.

17 Q And during the working group, did you
18 discuss the racial composition of TJ with anyone?

19 Ms. Rewari: Objection. Vague.

20 A I think I understand your question, and my
21 answer would be no.

22 Q Okay. And during the working group, did you

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1 Q So starting here, what is this document, Dr.
2 Brabrand?

3 A This is a white paper that the Office of
4 Admissions had worked on, I believe, during Dr.
5 Duran's tenure when he was the Chief Equity Officer.

6 Q Okay. Are you familiar with this document?

7 A I've seen this document before. I know
8 what's on the email trail. I have seen this
9 document before.

10 Q And do you know when this document was sent
11 around, when it's dated?

12 A I think it was dated in June. Yeah, it was
13 dated, and Marty references it was shared in May.
14 It was shared in May in a closed session.

15 Q Okay. So this white paper would have
16 predated the presentation on TJ admissions changes
17 that you shared with the Board in September; is that
18 right?

19 A Yes.

20 Q All right. Can you tell me about why this
21 white paper was created?

22 A Duran was leaving to become Superintendent

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1 in Arlington, and as I recall, there was interest to
2 know what work, if any, had the equity office done
3 around TJ over the years; and the Board wanted to
4 understand Duran's best thinking, best understanding
5 of TJ admissions and thinking around that, and so
6 this was a chance to get that information to them
7 prior to his departure. I believe. I could be
8 wrong. I think this is right before he leaves, just
9 to understand before he left, and he'd been with the
10 division for some time prior to even my arrival, so
11 they had their best understanding of all things TJ
12 admissions.

13 Q Okay.

14 A So this represented prior work that Duran
15 had worked on with the admissions office.

16 Q Did the work that was done after this, so
17 beginning, I guess, with the September presentation
18 or the work that led up to that, did that work build
19 on this white paper that Duran had created?

20 Ms. Rewari: Objection. Vague and compound.

21 A This is work that the TJ admissions office
22 had worked on during Duran's time. What I brought

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1 kids are overrepresented?

2 A I don't think that it does. I think making
3 sure the barriers are eliminated that brings some
4 kids to the table doesn't mean that kids at the
5 table have to be removed.

6 Q Okay. Did your staff model the demographic
7 effects of the hybrid merit lottery plan?

8 A I don't know. You're probably asking
9 because -- my gut is the answer is no. Well, hold
10 on. I don't think so. I think what I recall is the
11 hybrid lottery took 100 kids off the top and then
12 put the rest in the lottery, so I don't think -- I
13 don't think we redid the methodology for that. We
14 thought it would be similar to what the merit
15 lottery was with the exception of a hundred kids, so
16 that's why I don't think there's anything in here on
17 it. For holistic, we really had no way to know what
18 the modeling would be, so we didn't present any
19 modeling for that.

20 Q Why would you have had no way to know what
21 the modeling would be for the holistic?

22 A Because we had never done the process the

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1 way we were proposing it that way before. That's my
2 best answer.

3 Q Okay. Let's put that document aside.

4 A Okay.

5 Ms. Wilcox: I think this is the last
6 gigantic document we have, and this I believe will
7 be Brabrand 11.

8 (BRABRAND Deposition Exhibit 11 marked
9 for identification and attached to the
10 deposition.)

11 A Okay.

12 Q Dr. Brabrand, you have got Exhibit Brabrand
13 11. Do you recognize this document?

14 A It's a document that our ORSI team, our
15 Office of Research, created around its own
16 background and analysis of some of the models that
17 we shared.

18 Q Have you seen this document before today?

19 A I'm not sure. I'm not sure.

20 Q Do you know when it was presented to the
21 School Board?

22 A Well, that's why I'm wondering. I don't

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1 discuss and ask questions. Board meetings often are
2 a variety of traditional just agenda topics,
3 resolutions, consent agenda. There's more stuff at
4 a regular Board meeting than at a work session, as a
5 rule.

6 Q Does your role in the meeting differ
7 depending on whether it's a work session or a
8 regular business meeting?

9 A No, I wouldn't say that's the case.

10 Q In your experience, is it common for the
11 Board to take votes at work sessions?

12 A I believe it's been done before. I don't
13 know -- I've never studied that enough to know. The
14 Board has -- I believe the Board has taken votes at
15 both work sessions and at the regular meetings, and
16 they certainly provided direction to the
17 superintendent at both. I think they've done it at
18 both.

19 Q They can tell you what to do in any kind of
20 meeting?

21 A Yeah, they really could.

22 Q Just a ballpark estimate, how many work

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1 don't believe so.

2 Q No, there's not. Did you or your staff ever
3 consider the racial impact of the decision to
4 guarantee that 1.5 percent of schools feeds to TJ?

5 Ms. Rewari: Objection. Calls for
6 speculation.

7 A No.

8 Q I want to ask you briefly about -- you
9 mentioned this earlier, but an AAP Level 4 Center.
10 Can you tell me kind of in a nutshell what that is?

11 A Well, we don't have those at high schools.

12 Q Okay.

13 A So AAPs are Advanced Academic Programs, and,
14 again, I'm going to do my best as saying as a
15 superintendent, we have had centers for advanced
16 academics for kids who are eligible to receive
17 gifted services would go to those centers. Local
18 Level 4 again has been part of geographic -- and
19 there was only centers at some of the elementary
20 schools; so to go to the center you had to jump on a
21 bus and go somewhere else. Local Level 4 has been
22 putting those advanced academic services into the

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1 A In the fall, and I don't know when this
2 document is. I think on the 17th we brought the
3 holistic admissions, and I think what I also recall
4 is the Board added an amendment or maybe it was -- I
5 don't recall about the 1.5 percent as a change to
6 the holistic.

7 Q Okay. And just thinking back to that time
8 in December, in your view did the Board have
9 adequate time to consider the admissions plan that
10 they ultimately adopted?

11 A Yes, I believe they had adequate time. As
12 I've said, or as we've even talked about today, we
13 had September through December. There was extensive
14 discussion, work sessions, community discussion,
15 community feedback all in the middle of a pandemic,
16 and I think we did as well as we could to have the
17 engagement and discussion before taking the final
18 vote.

19 Ms. Wilcox: Okay. That's the end of my
20 questions. I may have a couple cleanups, but did
21 you want to --

22 Ms. Rewari: I don't have any questions.